

REMARKS

Applicant has carefully reviewed and considered the Final Office Action of April 17, 2008, and the Advisory Action of June 30, 2008, including the cited prior art. In response thereto, Applicant has amended Claims 1, 4 and 6 and cancelled Claims 2, 3, 5, 9-12 and 15-16, and makes the following remarks.

The drawings stand objected to under 37 CFR 1.83(a) as the Office Action alleges that they do not show every feature of the invention specified in the claims. In particular, "the return branch of the inductor half-shell having only one inductor segment is displaced rearwardly relative to the surface of the component to be hardened".

Applicant respectfully traverses this objection. Not only is this feature found in the Description (page 7, paragraph 2), but is, in fact, shown in Figure 1 as filed. In particular, and as the color annotated drawing of Exhibit A (attached hereto) illustrates, Figure 1 clearly shows that as the two inductor segments (7 and 8) of the inductor half-shell (5) are placed near the surface of the component (2) to be hardened, *the return segment (9) of inductor half-shell (4) is at a rearward distance from the component (2) to be hardened.* Accordingly, Applicant respectfully requests reconsideration and removal of this objection.

Notwithstanding the anticipatory and obviousness rejections, Claims 3, 4 and 11-14 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


As Claim 3 was originally dependent on Claim 2 which was in turn originally dependent on Claim 1, Applicant has rewritten Claim 1 to include those limitations of Claims 2 and 3. Accordingly, Claim 1 now includes all the limitations as noted in the Office Action to be allowable. As such, dependent Claims 4, 6-8, 13-14 and 17-18, which are inherently more limiting than Claim 1, must also be allowable.

CONCLUSION

Applicant respectfully submits that in light of the arguments set forth in this response, this application is now in condition for allowance, and requests that a timely Notice of Allowance be issued. However, should Examiner be of the opinion that further amendment or response is required, Applicant encourages Examiner to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,

EUGENE M. CUMMINGS, P.C.

By: 
David Mundt, Reg. No. 41,207
One North Wacker Drive,
Suite 4130
Chicago, Illinois 60606
(312) 984-0144 (Telephone)
(312) 984-0146 (Facsimile)